IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1785 OF 2001

WITH

NOTICE OF MOTION NO. 3087 OF 2001

IN

MISC.PETITION NO. 36 OF 2001

Manuel Pascol Miranda .. Petitioner.

vs.

Rose Mary @ Mabel Michael

Gonsalves & Ors. .. Defendants.

Mr. G. Nehta with V. Bhobde i/by Apte & Co.
for petitioner in N/M No. 1785/01.

Ms. E.A. Gonsalves for Respondent Nos.1A,
1B, 2,3,4, 6 & 7.

Mr. D.P. Shah for Respondent Nos. 8 to 10 in
N/M No. 3087 /01.

CORAM : S.U. KAMDAR, J.

DATE : 15TH JULY, 2005.

P.C.

. Both the advocates appearing in support of their respective motions seek leave to withdraw the motions. The motions stand withdrawn with liberty that if they are entitled in law to adopt any

appropriate legal proceedings in respect of the properties in which they are claiming rights then they are free to initiate such proceedings. It is clarified that issuance of the letter of administration in the present proceedings does not determine any right, title and interest in any of the properties mentioned in the schedule to the said testamentary petition because the probate courts do not determine the question of title in respect of the properties. The parties therefore are entitled to adopt appropriate proceedings. The order of status quo granted by the ad-interim order passed in Notice of Motion No. 1785 of 2001 to continue for a period of three weeks from today. However, both the applicants will be at liberty to apply for appropriate reliefs in the court of competent jurisdiction by initiating appropriate proceedings. Motions disposed of with the aforesaid order.

2. The learned advocate for the petitioner also seeks to withdraw the Misc. Petition No. 36 of 2001. The same is dismissed as withdrawn. No order as to costs.